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Attorneys for Defendants
STATE OF HAWAII; CLARE CONNORS
(ATTORNEY GENERAL); OFFICE OF ELECTIONS;
SCOTT NAGO (CHIEF ELECTION OFFICER)

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CALVIN CHRISTOPHER GRIFFIN,

Plaintiff,

vs.

STATE OF HAWAII; CLARE
CONNORS (ATTORNEY
GENERAL); OFFICE OF
ELECTIONS; SCOTT NAGO
(CHIEF ELECTION OFFICER),

Defendants.

CIVIL NO. 20-00454 SOM-KJM

DEFENDANTS STATE OF HAWAII,
CLARE CONNORS (ATTORNEY
GENERAL), OFFICE OF
ELECTIONS, AND SCOTT NAGO'S
(CHIEF ELECTION OFFICER)
MOTION TO DISMISS THE SECOND
AMENDED COMPLAINT
(REVISED); MEMORANDUM IN
SUPPORT OF MOTION;
CERTIFICATE OF SERVICE
(ECF No. 24)

Judge: Honorable Susan Oki Mollway

DEFENDANTS STATE OF HAWAII, CLARE CONNORS
(ATTORNEY GENERAL), OFFICE OF ELECTIONS, AND
SCOTT NAGO'S (CHIEF ELECTION OFFICER) MOTION TO
DISMISS THE SECOND AMENDED COMPLAINT (REVISED)

Defendants State of Hawaii, Clare Connors (Attorney General), Office of Elections, and Scott Nago (Chief Election Officer) (collectively, "Defendants"),¹ by and through their attorneys Clare E. Connors, Attorney General of the State of Hawaii, and Caron M. Inagaki and Skyler G. Cruz, Deputy Attorneys General, hereby move this Court for an order dismissing Plaintiff's Second Amended Complaint (Revised) filed on March 10, 2021.² ECF No. 24.

This motion is brought pursuant to Rules 7, 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, and is based on the memorandum in support of motion, records and files herein, and the arguments at the hearing of this motion.

¹ Counsel for Defendants understands that Defendant Scott Nago was served with a copy of the Second Amended Complaint (Revised) on March 9, 2021. See ECF No. 26. As of the date of filing this motion, however, counsel's representation of Mr. Nago is limited to the claims against him in his official capacity.

² It is Defendants' understanding that the Second Amended Complaint (Revised) filed on March 10, 2021 (ECF No. 24) is the operative pleading. If, however, the Second Amended Complaint filed on March 1, 2021 (ECF No. 22) is the operative pleading, then this motion should be read as seeking dismissal of that pleading. If the Second Amended Complaint and Second Amended Complaint (Revised) should be construed together, then this Motion should be read as seeking dismissal of both pleadings.

DATED: Honolulu, Hawaii, March 15, 2021.

STATE OF HAWAII

CLARE E. CONNORS
Attorney General
State of Hawaii

/s/ Skyler G. Cruz
CARON M. INAGAKI
SKYLER G. CRUZ
Deputy Attorneys General

Attorney for Defendants
STATE OF HAWAII, CLARE
CONNORS (ATTORNEY
GENERAL), OFFICE OF
ELECTIONS, and SCOTT NAGO
(CHIEF ELECTION OFFICER)